

EXHIBIT M

MARK LEIBLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DARCY M. BLACK,

Plaintiff,

-vs-

BUFFALO MEAT SERVICE, INC., doing business
as BOULEVARD BLACK ANGUS, also known as
BLACK ANGUS MEATS, also known as
BLACK ANGUS MEATS & SEAFOOD,
ROBERT SEIBERT,
DIANE SEIBERT,
KEEGAN ROBERTS,

Defendants.

Examination Before Trial of

MARK LEIBLE, taken pursuant to the Federal Rules of Civil
Procedure, in the law offices of GRECO TRAPP, PLLC, 1700
Rand Building, 14 Lafayette Square, Buffalo, New York,
taken on January 22, 2018, commencing at 9:27 A.M., before
MARY ANN MORETTA, Notary Public.

- 1 A. No.
- 2 Q. Do you see in your employment application it says
3 employment, desired position, it's blank? Do you
4 know why you left it blank?
- 5 A. Because I didn't know what positions that were
6 there.
- 7 Q. Okay. Did a sign on the door say what positions
8 they were looking for or did it just say help
9 wanted?
- 10 A. Just help wanted.
- 11 Q. Do you have any understanding of what you would
12 be doing once you were hired? There came a time
13 when you were offered a position, right?
- 14 A. Yes.
- 15 Q. Okay. And when you were offered the position,
16 did you know what you would be doing?
- 17 A. Yes.
- 18 Q. What would you be doing?
- 19 A. I was hired to wrap meat and wait on the counter
20 and fill deliveries.
- 21 Q. Okay. And then did there come a time when you
22 actually started working there?
- 23 A. Yes.

1 Q. Do you recall when that was?

2 A. September of 2001.

3 Q. If you look at Exhibit 35, if you go to the third
4 page which is DEF0180, see on the bottom you see
5 little numbers, that means -- DEF means Black
6 Angus Meats' counsel gave us those documents.
7 They are Black Angus Meats' documents. So do you
8 see that's a form W-4?

9 A. Uh-huh.

10 Q. You have to say yes or no, Mark.

11 A. Yes.

12 Q. Okay. Do you see the date September 5, 2001?

13 A. Yep.

14 Q. Does that refresh your recollection that was when
15 you started working?

16 A. Yes.

17 Q. Okay. When you started working, who was your
18 direct boss or supervisor?

19 A. I would say Lisa.

20 Q. Do you know if she had a last name, what her last
21 name was?

22 A. I don't know.

23 Q. And did she remain your full -- your boss?

1 Q. Okay. Do you see where you are there and your
2 forty hours at four hundred eighty dollars?

3 A. Yes.

4 Q. Do you recognize that to be twelve dollars an
5 hour?

6 A. Yes.

7 Q. Okay. Does that help you remember whether you
8 left work at Black Angus Meats and when you
9 returned?

10 A. Yes.

11 Q. Okay. So you left approximately the week ending
12 June 3rd, 2007 and returned the week ending
13 approximately March 8th, 2009?

14 A. Yes.

15 Q. And how is it you -- well, before you left work
16 in approximately pay period ending June 3rd of
17 2007, what were your job duties?

18 A. Before I left Black Angus?

19 Q. Yes. What were you doing?

20 MR. OPPENHEIMER: At this time?

21 BY MS. GRECO:

22 Q. Yes.

23 A. Most of the time I would come in the morning and

1 fill packs, fill deliveries. Then usually, when
2 those were done, I would go make sausage for the
3 counter and stuff and maybe cut a little bit of
4 meat depending on the day.

5 Q. Okay. Do you recall being Darcy Black's partner
6 with filling packs?

7 MR. OPPENHEIMER: Form.

8 THE WITNESS: Yes.

9 BY MS. GRECO:

10 Q. And when you say making sausage, who taught you
11 how to do that? Is it just a recipe?

12 MR. OPPENHEIMER: Form.

13 BY MS. GRECO:

14 Q. Strike that. I'm an Italian girl. I grew up
15 with sausage. My question to you is -- I'm
16 familiar how to make it, so I'm going to go
17 through the process.

18 A. All right.

19 Q. What's the first step in making sausage?

20 A. Grind the meat.

21 Q. Did someone teach you how to grind the meat or
22 did you use ground meat?

23 A. I learned how to grind it.

1 requests?

2 A. No.

3 Q. Do you know anyone else who cut meat, other than
4 Tom Howells, Nelson? You said that Keegan
5 Roberts did.

6 A. Keegan would. If Jamie was there, he would cut a
7 steak for someone.

8 Q. Okay. Now, you said if Jamie is there, he would
9 cut a steak. Meaning what?

10 A. Usually he's there when a butcher is gone. Like
11 if someone asks for one, a specialty cut.

12 Q. Do you know of other individuals -- I asked you
13 if you were aware of my client doing it. Were
14 you aware of anyone else doing it other than
15 Jamie Lapress?

16 A. No.

17 Q. How do you know Jamie Lapress did it?

18 A. I don't know. I do.

19 Q. Did you ever observe him?

20 A. Yeah. I've seen him cut meat.

21 Q. And would you say it would be unusual for him to
22 cut meat?

23 MR. OPPENHEIMER: Form.

1 interested in you versus Jamie. The two of you
2 both are in the store. One of you is not out
3 somewhere. You are both there. Would Jamie come
4 to you or would he cut it himself? That's all
5 I'm trying to find out.

6 MR. OPPENHEIMER: Form.

7 THE WITNESS: Either way. If I was busy, he could do
8 it or if he was busy, I would do it.

9 BY MS. GRECO:

10 Q. What if you are both not busy?

11 A. Then I would probably do it because I'm up there.
12 I'm a cutter when he's gone.

13 Q. Who's gone?

14 A. Tom.

15 Q. That's what I'm asking. So if Tom Howells was
16 gone, then you are the person that cuts?

17 A. Yeah.

18 Q. If you are not there, then Jamie Lapress could
19 cut?

20 A. Yes.

21 Q. Were you aware of Nicole Seibert ever being
22 taught how to cut?

23 A. No.

1 MR. OPPENHEIMER: Form.

2 BY MS. GRECO:

3 Q. By that, I mean training saying --

4 A. No.

5 Q. Have you ever heard anyone refer to Darcy's

6 children as nigs?

7 A. No.

8 Q. Did you ever hear anyone refer to Darcy's

9 children as niggers?

10 A. No.

11 Q. Would it ever be appropriate for Robert Seibert

12 to say to Darcy Black she would have to get used

13 to the idea her children were black, there was no

14 changing that, school kids are cruel and racial

15 remarks from kids is not unusual?

16 A. No.

17 Q. Would that be appropriate?

18 A. No.

19 Q. Would that be offensive?

20 A. Yes.

21 MS. GRECO: Off the record.

22 (Whereupon, a short recess was then taken.)

23 BY MS. GRECO: